

CASE NO.: 50P4580
Serial No.: 09/833,489
August 14, 2004
Page 10

PATENT
Filed: April 12, 2001

Remarks

Reconsideration of the above-captioned application is respectfully requested. All previously pending claims (1-54 as properly numbered) have been rejected under 35 U.S.C. §102 as being anticipated by Kobayashi, USPN 6,633,759. The noted claim misnumbering has been corrected herein. The objections to Claims 4, 18, 30, and 44 (that a cord is not required to electrically connect the USB connector to the transceiver) may be correct but it is irrelevant - Applicant is entitled to set forth, in ^a dependent claim, particular modalities for achieving connection even if those particular modalities are not required in the independent claims.

To overcome the substantive rejection, independent Claim 1 has been amended to recite that the transceiver and PCMCIA card are integral with each other to establish a housing separate from the computing device as shown in Figure 1. Independent Claim 13 recites a communication device that can be removably attached to a user terminal separate from the device, while independent Claim 26 recites a device for effecting wireless communication between a user terminal and a base station that has first and second communication interface means contained on a housing separate from the user terminal. Claims 1, 2, and 4-54 remain pending.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

Rejections Under 35 U.S.C. §102

1108-18.AMD

CASE NO.: 50P4580
Serial No.: 09/833,489
August 14, 2004
Page 11

PATENT
Filed: April 12, 2001

To support an anticipation rejection, every claim element must be taught or inherent in a single prior art reference, Manual of Patent Examining Procedure (MPEP) §2131. An allegedly inherent element or property must *necessarily* be part of an anticipatory reference, MPEP §2112.

With the above in mind, because the relied-upon PCMCIA and USB connectors in Kobayashi are part of the user terminal/computing device and are not part of a housing that is separate therefrom, independent Claims 1, 13, and 26, which now recite a communication interface device that is separate from the user terminal with which it can be detachably engaged, and their respective dependent claims, are patentable.

Further, there is no suggestion in Kobayashi that the relied-upon communication interfaces need not be integral to the computer of Kobayashi.

With respect to independent Claim 42, it is noted that the heart of the claim has been alleged to be "inherent" in Kobayashi, an exceptionally weak rejection that has little or no chance of being sustained on appeal. For example, consider that the examiner finds it necessary to resort to explaining that a user "inherently" does what Claim 42 requires a logic device to do. Then consider that what the examiner alleges the user would "inherently" do - determining whether a PCMCIA card is engaged with the computer - allegedly results in "data" being "inherently" invoked, when in fact the claim requires a *device driver* to be invoked, not data to be downloaded. Finally, consider that the examiner virtually surrenders the rejection when he observes that "otherwise the computer is capable of invoking a device driver from another computer that is connected to its USB port" without bothering to explain where this second, unmentioned computer is in Kobayashi, much less without explaining where the prior art teaches, in the particular combination of structure set forth in Claim 42, searching for a first driver (e.g., a PCMCIA driver) and if it doesn't find it, invoking a second driver (e.g., a USB driver).

1168-18.AMD

CASE NO.: 50P4580
Serial No.: 09/833,489
August 14, 2004
Page 12

PATENT
Filed: April 12, 2001

Various rejections of dependent claims likewise are not well-founded. By way of non-limiting example, the allegation that because Kobayashi teaches transmitting at 2.45GHz, it "inherently" covers the range from 2300-2310 MHz as set forth in Claim 2, is wrong. Not only does transmitting at 2.45 GHz *necessarily* require transmitting at 2300-2500 MHz, it precludes it.

Claim 6, which requires a LED mounted on the housing to indicate whether the transceiver is communicating with a base station, is not taught by Kobayashi's relied-upon LED 18, contrary to the rejection, because Kobayashi nowhere suggests that its LED 18 be so used. It is for generating a warning, col. 5, line 67.

Claim 9 requires an audio or visual indication of a low voltage condition of the battery, which has been rejected using the LCD 20 of Kobayashi because, per the examiner, the LCD "could" be so used. All Kobayashi says about its LCD 20 is that it displays unspecified "data", col. 6, line 3. The examiner is once again cautioned against levying frivolous rejections based on what he thinks the prior art "could" do absent a teaching or suggestion in the prior art to do it.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

1168-18.AMD

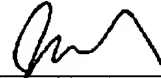
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(SAT) AUG 14 2004 9:02/ST. 8:59/No. 6833031100 P 13

CASE NO.: 50P4580
Serial No.: 09/833,489
August 14, 2004
Page 13

PATENT
Filed: April 12, 2001

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1168-18.AMD